

**ANNUAL REPORT  
OF THE  
PROBATE CODE STUDY COMMISSION**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**November, 1998**

# INDIANA LEGISLATIVE COUNCIL

1998

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# **PROBATE CODE STUDY COMMISSION**

## **Membership Roster**

### **Representatives**

**Ed Mahern, Chairperson  
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**Diane Bender  
Evansville**

**John Chappell  
Jasper**

**Kristen Fruehwald  
Indianapolis**

### **Staff**

**Ross Hooten  
Attorney for the Commission**

**Susan Preble  
Fiscal Analyst for the Commission**

## **I. STATUTORY DIRECTIVE**

The Indiana General Assembly enacted legislation directing the Commission to do the following:  
"...study and recommend to the General Assembly needed changes in the following:

- (1) The probate code (IC 29-1).
- (2) The trust code (IC 30-4).
- (3) Other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries."(IC 2-5-16-12)

## **II. INTRODUCTION AND REASONS FOR STUDY**

In addition to the charge to the Commission found in IC 2-5-16-12, current Indiana law provides that the Legislative Council may refer any issue related to probate or trusts and fiduciaries to the Commission for study. However, the Legislative Council did not refer any issues to the Commission in 1998. The issues studied by the Commission in 1998 were referred to the Commission by the bar and the Indiana judiciary.

## **III. SUMMARY OF WORK PROGRAM**

The Commission met on the following dates:

- (1) July 22, 1998.
- (2) August 27, 1998.
- (3) October 8, 1998.

The minutes of each meeting of the Commission are available on the Internet. The minutes and other documents for this Commission can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## **IV. SUMMARY OF TESTIMONY**

The Commission heard testimony addressing the following issues:

- (1) Probate administration.
- (2) Inheritance taxes.
- (3) Charitable trusts.
- (4) The uniform prudent investor act.
- (5) Fiduciary investments.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Commission recommended the following preliminary drafts (PDs) amending the Indiana Code to the General Assembly:

- (1) PD 3069 concerning investments by fiduciaries.

- (2) PD 3073 concerning farmland valuation for inheritance tax purposes.
- (3) PD 3282 concerning a family business inheritance tax deduction.
  - (4) PD 3330 concerning an inheritance tax affidavit.
  - (5) PD 3331 concerning unsupervised estates.
  - (6) PD 3342 concerning the "dead man's statute".
- (7) PD 3343 concerning inheritance tax payment deadlines.
  - (8) PD 3501 concerning charitable trusts.
- (9) PD 3549 concerning various probate and trust matters.
- (10) PD 3550 concerning probate notices and hearings.
- (11) PD 3551 concerning the uniform prudent investor act.
- (12) PD 3553 concerning various probate deadlines.

The PDs listed above are on file in the Legislative Information Center, Room 230 of the State House, Indianapolis, Indiana, 46204. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 West Washington Street, Suite 301, Indianapolis, Indiana, 46204-2789.

WITNESSLIST

Mr. Steven R. Bone

Hon. Charles J. Dieter, Judge Marion County Superior Court, Probate Division

Ms. Paje Felts

Mr. Bill King

Mr. Walter Kirkwood

Hon. Douglas Morton, Judge Fulton County Circuit Court

Mr. Bill Reynolds, Indiana Department of Revenue

Ms. Elaine Wilson